

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Michael Darge,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
United States of America,)	JURY TRIAL DEMANDED
Frederick Luchette, M.D.,)	
Paul G. Vana, M.D., and John/Jane)	
Does, MD 1-10,)	
)	
Defendants.)	

COMPLAINT

Plaintiff, Michael Darge, by his attorneys, Hall Adams and Stephen M. Komie, states as follows for his complaint against United States of America, Frederick Luchette, M.D., Paul G. Vana, M.D., and John/Jane Does, M.D. 1 -10, defendants:

Parties

1. Plaintiff is a citizen of the State of Illinois entitled to receive veteran's benefits, including medical care, from defendant United States of America.

2. Defendant, United States of America ("United States"), by its Department of Veterans Affairs ("VA") and its employees and agents, owns and operates a hospital in the Village of Maywood, County of Cook, State of Illinois, known as the Edward Hines, Jr. VA Medical Center ("Hines VA"), wherein it provides medical care to patients, including plaintiff, who are entitled to receive such care.

3. Defendant Frederick Luchette, M.D. ("Luchette"), is a citizen of the State of Illinois.

4. Defendant Paul G. Vana, M.D. ("Vana"), is a citizen of the State of Illinois.

5. Defendants John/Jane Does, M.D. (1) – (10) ("Does"), are, upon information and belief, citizens of the State of Illinois whose identities are not currently known to plaintiff.

Jurisdiction

6. This court has jurisdiction under 28 U.S.C. 1346(a) and 1367.

Venue

7. Venue lies in this court pursuant to 28 U.S.C. 1391(b)(1)(2) and 1402(a)

Factual Bases for Claim

8. At all relevant times, Luchette, Vana and Does were physicians licensed to practice medicine and practicing medicine at Hines VA.

9. At all relevant times, Luchette, Vana and Does were acting individually and/or as employees and/or agents of the United States providing medical and surgical care to patients, including plaintiff, at Hines VA.

10. On or about 27 January 2018, defendants and each of them performed a laparoscopic fenestration of the mesh used in a previous ventral hernia repair in order to alleviate recurrent seroma of the abdominal wall.

11. On and after the date aforesaid, defendants and each of them owed plaintiff a duty to exercise that degree of care which reasonably careful physicians and/or general surgeons would exercise under the same or similar circumstances and to provide care to plaintiff that was within the applicable standards of care.

12. In breach of the duty aforesaid defendants and each of them engaged in one or more of the following acts or omissions amounting to professional negligence:

- a) Created a fenestration of the abdominal mesh in such a way as to create sites for intestinal herniation, obstruction and/or strangulation;
- b) Failed to monitor the location/placement of abdominal mesh during surgery; and
- c) Failed to monitor plaintiff's post-operative condition with sufficient vigilance;

13. On or about 17 February 2018, plaintiff became acutely symptomatic and required emergency room and additional surgical care at Hines VA, which care revealed that plaintiff had

suffered severe obstruction and strangulation of his small intestine as a proximate result of defendants' professional negligence aforesaid. These conditions, in turn, necessitated and required that plaintiff undergo additional surgical procedures to remediate the conditions proximately caused by the defendants' professional negligence aforesaid. Plaintiff will require significant and ongoing medical care indefinitely. The injuries proximately caused by defendants' aforesaid professional negligence have also caused plaintiff to suffer and will cause him to suffer in the future pain, loss of normal life, emotional distress, disfigurement, and increased vulnerability to illness.

14. On or about 1 June 2019, plaintiff submitted his Claim for Damage, Injury or Death form ("Claim") to Dennis McGuire, Office of Chief Counsel, Veteran's Administration, 441 Wolf Ledges Parkway, #403, Akron, OH, 44311. By letter dated 13 August 2019, VA acknowledged receipt of plaintiff's claim on 10 July 2019.

15. More than six months and one day have passed since VA received plaintiff's Claim and no defendant has responded to plaintiff's timely submitted claim.

WHEREFORE, plaintiff demands that judgment be entered in his favor and against defendants and each of them for \$10,000,000.00, plus costs.

Plaintiff demands trial by jury.

/sHall Adams
One of Plaintiff's Attorneys

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